

RECEIVED
CENTRAL FAX CENTER

Serial No. 09/684,742

JUN 08 2007

PATENT
Docket No. 078700-020112REMARKS

In this response, no claims have been added or canceled. Thus, claims 1-56 remain pending. The Office Action issued by the Examiner has been carefully considered by Applicant.

A. Distributing Processing to Two or More Nodes

The Examiner refers to Kail's Figure 2 as showing a central monitoring device 14a as "local" to portable monitoring unit 12. However, the Examiner appears not to have noted that Applicant's independent claim 46 recites distributing processing of the collected data to two or more nodes. A close reading of Kail confirms that Kail always discusses the sending of data from a portable monitoring unit (PMU) to a central monitoring unit (CMU). Kail indeed mentions that two or more PMUs may send data to a CMU (see, e.g., Kail at 6:10-15). However, this clearly teaches away from Applicant's claimed invention.

More specifically, Kail teaches the centralization of data from one or more nodes at which the data was collected. It should be noted that Applicant's claim 46 recites "collecting data from the at least one environment using at least one node of a first type". The Examiner argues that a PMU collects the data. However, claim 46 recites distributing processing of the collected data to two or more nodes. The Examiner, by relying upon Kail, clearly only presents at most a single node that could be reasonably argued to receive data from the PMU. Although Kail does show in Fig. 2 other CMUs, Kail never describes distributing processing to two or more CMUs. Thus, Kail clearly fails as a supporting secondary reference as to this recited claim element. Further, the teaching of centralized monitoring throughout all of Kail's discussion teaches away from distributing processing to two or more CMUs.

B. Local Nodes

PHX 327793002v3 5/21/2007

14

PAGE 15/17 * RCVD AT 6/8/2007 3:03:00 PM [Eastern Daylight Time] * SVR:USPTO-EXRF-1/5 * DNIS:2738300 * CSID: * DURATION (mm:ss):05:20

BEST AVAILABLE COPY

Serial No. 09/684,742

PATENT
Docket No. 078700-020112

The Examiner has argued that the phrase "local to the node" is not clearly defined. Rather than argue the support in the specification for such usage, Applicant has amended the claims as indicated above. For example, Applicant's independent claim 46 now recites distributing processing "to two or more local nodes". The amendments in the claims above are not intended to be narrowing amendments, but rather an attempt to provide an alternative word usage acceptable to the Examiner. Applicant believes that all of the amendments above help to clarify any remaining issues for further prosecution or appeal, and thus respectfully requests their entry to simplify the prosecution of this application.

As an example of the support for the meaning of "local" in claim 46 and the other claims, Applicant's specification (p. 40) describes that a vast number of sensors maintain local contact with the physical world, and also describes access to remote users (such as data centers). In addition, Applicant's specification at pp. 17-18 (see also Fig. 8) describes a network having sensor nodes 802 distributed in an environment that is to be monitored or controlled. The specification states that non-local users can interact with this network through gateways 804. Fig. 8 illustrates remote users 832. A person of skill in the art would distinguish the usage of the terms "local" and "remote" in Applicant's specification and claims. This usage would not be interpreted as a mere "logical connection" as argued by the Examiner, in which a remote node is construed to be the same as a local node (e.g., that collects data from an environment).

Indeed, the Kail reference cited by the Examiner makes a distinction between "remote" and "local" that is more appropriate than the Examiner's claim construction. Kail itself does not define Applicant's claim terms. Yet, it is sufficiently consistent in usage to demonstrate that Kail teaches away from Applicant's claim 46.

For example, Kail's "Summary of the Invention" starts by stating that the "present invention provides an apparatus and method for remotely monitoring the status of a living or an inanimate subject." (col. 1: lines 62-64). Kail is using "remote" consistently in a manner that indicates it is not the same as "local". The Examiner suggests that the mere

Serial No. 09/684,742

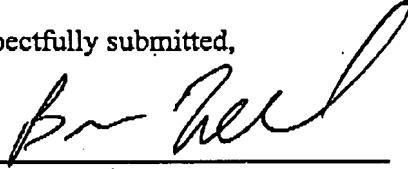
PATENT
Docket No. 078700-020112

fact that a remote monitor may be "logically connected" to a portable monitoring unit supports that the remote monitor is "local" to the portable monitoring unit. But this distinction is not consistent with the usage of "local" and "remote" as described by Kail. Since Kail only teaches the idea of remote, centralized data collection, it teaches away from distributing processing to a local node.

Applicant's other independent claims 1, 48, 49, 50, 54, and 56 similarly recite the element of a local node and are believed allowable for the reasons discussed above. Applicant's independent claim 51 is believed allowable for the reasons discussed in Applicant's prior response.

In view of the above, Applicant respectfully requests reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the later right to address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,



Bruce T. Neel

Reg. No. 37,406

Date: June 8, 2007

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (602) 445-8339
Fax: (602) 445-8100
E-mail: neelb@gtlaw.com